

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUEPOSITION, INC.,

Plaintiff,

v.

Case No. 2:11-CV-4574(RK)

LM ERICSSON TELEPHONE CO., et al.,

Defendants.

AFFIDAVIT FOR ENTRY OF DEFAULT

Commonwealth of Pennsylvania : :

County of Philadelphia : :

I, Colleen Healy Simpson, Esquire, being duly sworn, state as follows:

1. I am an attorney at the law firm of Harkins Cunningham, one of the attorneys for Plaintiff TruePosition, Inc. in this action.
2. Pursuant to Federal Rule of Civil Procedure 4(f)(1), service was attempted via registered mail at Third Generation Partnership Project's ("3GPP") office at 650 Route des Lucioles, 06921 Sophia-Antipolis Cedex, France on July 22, 2011 in accordance with Article 10(a) of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents.
3. The return receipt for the registered mail was never returned.
4. Pursuant to Federal Rule of Civil Procedure 4(f)(1), service was also attempted on 3GPP on September 12, 2011, at its office at 650 Route des Lucioles, 06921 Sophia-Antipolis Cedex, France in accordance with Article 6 of the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents' Central Authority.

5. Attempted service included a Summary of the Document to be Served, Summons in a Civil Action, Notice of Right to Consent to Exercise of Jurisdiction by a United States Magistrate Judge, and a copy of the Complaint.

6. French process server Jean-Paul Barnel was responsible for service of the summons and complaint pursuant to the Hague Convention on both ETSI and 3GPP. (*See attached* Declaration of Jean-Paul Barnel at ¶ 1, at Exhibit 1 (hereinafter “Barnel Aff.”) and the Certificate of Jean-Paul Barnel from the Request for Service Abroad of Judicial or Extrajudicial Documents at Exhibit 2).

7. The process server, the clerk deputized by Jean-Paul Barnel, attempted to serve 3GPP via delivery at its office in Sophia-Antipolis, France. (Barnel Aff. ¶ 2)

8. 3GPP shares an office address with European Telecommunications Standards Institute (“ETSI”). (*Id.*)

9. Upon his arrival at 3GPP’s office, the clerk deputized by Mr. Barnel was met by Erik Jansen, who is the Director of Legal Affairs for ETSI. (*Id.* ¶ 3).

10. Mr. Jansen stated that he was refusing service of process on 3GPP on the grounds that 3GPP is not a corporation, but only an informal partnership between several entities, including ETSI. (*Id.*)

11. Mr. Jansen accepted service of papers for ETSI. (*Id.*)

12. TruePosition previously filed for Application of Entry of Default on November 14, 2011. (D.E. 76).

13. On November 22, 2011, counsel for 3GPP entered a special appearance accompanied by a letter to the Court responding to the Application for Entry of Default. (D.E. 80; *see* Exhibit B attached to the Amended Application for Entry of Default).

14. On November 23, 2011, TruePosition sent a letter to the Court in response to 3GPP's counsel's letter asserting that 3GPP's counsel's letter was procedurally and substantively inappropriate. (*See* Exhibit C attached to the Amended Application for Entry of Default).

15. Before any default was entered, TruePosition filed an amended complaint on February 3, 2012. (D.E. 91).

16. At the same time it filed the amended complaint, TruePosition served 3GPP's counsel with the amended complaint in accordance with Rule 5(b)(1) of the Federal Rules of Civil Procedure. (*See* Exhibit D attached to the Amended Application for Entry of Default).

17. More than thirty (30) days have elapsed since 3GPP was served with the amended complaint.

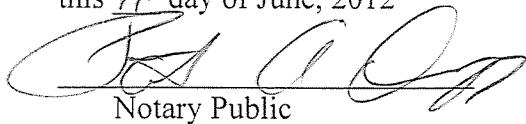
18. To date, Plaintiff has received no answer (or motion to dismiss or motion for summary judgment) from Defendant 3GPP.

Dated: June 11, 2012



Colleen Healy Simpson, Esquire

Subscribed and sworn before me
this 11th day of June, 2012



Notary Public

My Commission Expires:

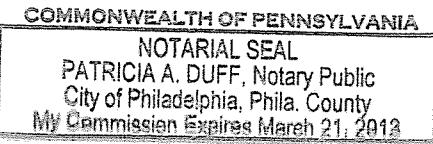


EXHIBIT 1



99 Powerhouse Road, Suite 100
Roslyn Heights, New York 11577
516 498 1111 / 718 463 2900
Fax 516 498 2390
info@eibertranslations.com

{ Translation from French}

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TRUEPOSITION, INC.

)

Plaintiff

)

v. Civil Action No. 11-cv-4574 (RK)

)

LM ERICSSON TELEPHONE COMPANY

)

QUALCOMM INC.

)

ALCATEL-LUCENT, S.A.

)

THIRD GENERATION PARTNERSHIP
PROJECT also known as 3GPP

)
)
)

and

)
)

EUROPEAN TELECOMMUNICATIONS
STANDARDS INSTITUTE

)
)
)

Defendants

)

AFFIDAVIT OF JEAN-PAUL BARNEL

I, JEAN-PAUL BARNEL, Process Server residing at 8 rue Lt Noircame in LE CANNET
(Alpes Maritimes), declare that:

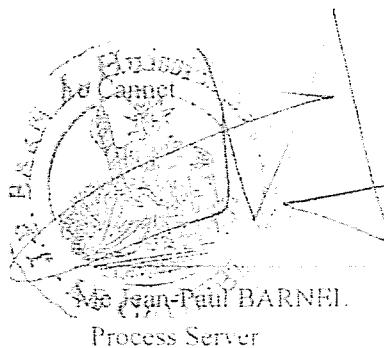
- I am the Process Server responsible for serving the summons in this matter on the defendants European Telecommunications Standards Institute and Third Generation Partnership Project, as indicated in the reports attached as Exhibits 1 and 2.

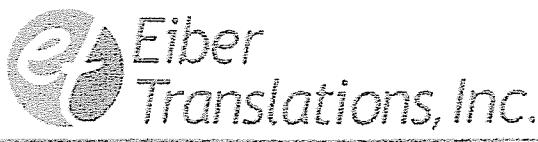


2. The summons was set to be served at the same address for defendants ETSI and 3GPP, i.e., 650 Route des Lucioles, 06921 Sophia-Antipolis Cedex, France, as indicated in Exhibits 1 and 2.
3. During the service, the person encountered at the address 650 Route des Lucioles in Sophia Antipolis by the Process Server was Mr. Erick Jansen to whom the summons was delivered for European Telecommunications Standards Institute in his capacity as Legal Affairs Manager, but he refused to accept the one involving Third Generation Partnership Project on the grounds that the summoned party was not a body corporate, but only an informal association of several entities, including his company European Telecommunications Standards Institute, ETSI, where he was encountered.
4. There is a transcription error on the certification accompanying the 3GPP service report (Exhibit 1) and the reference to "STEPI" should be "ETSI".

I declare under penalty of perjury, pursuant to the laws of the United States, that my statement is true and correct and that I affirm the truth of my statement.

Executed on Friday, October 28, 2011 in Le Cannet





TRANSLATORS & INTERPRETERS

99 Powerhouse Road, Suite 100
Roslyn Heights, New York 11577
516 488-1111 / 718 463-2906
Fax 516 488-2390
info@eibertranslations.com

CERTIFICATION:

The appended document is a true and accurate translation from FRENCH to ENGLISH
and it is certified by Eiber Translations, Inc., pursuant to CPLR Rule 2101(b)

Edna H. Eiber
Eiber Translations, Inc

AFFIDAVIT:

Edna H. Eiber, being duly sworn, deposes and says:

I am the principal of EIBER TRANSLATIONS, INC. Your deponent retains the services of certified translators. A certified French to English translator was retained to translate the appended *Affidavit of Jean-Paul Barnet* in the matter of *Trueposition, Inc. v. LM Ericsson Telephone Company, Qualcomm Inc., Alcatel-Lucent, S.A., Third Generation Partnership Project 3GPP and European Telecommunications Standards Institute*, pursuant to general principles of translation of the American Translators Association.

Edna H. Eiber

Sworn to before me
This 31 day of October, 2011

Notary Public

BRUCE EIBER, PC
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02E15039007
QUALIFIED IN NASSAU COUNTY
MY COMMISSION EXPIRES FEBRUARY 13, 2011

TRIBUNAL DE DISTRICT DES ÉTATS-UNIS
POUR LE DISTRICT EST DE LA PENNSYLVANIE

TRUEPOSITION, INC.)
Demandeur,)
v.) Action Civile No. 11-cv-4574 (RK)
LM ERICSSON TELEPHONE COMPANY,)
QUAI COMM INC.,)
ALCATEL-LUCENT, S.A.,)
THIRD GENERATION PARTNERSHIP)
PROJECT appelé aussi 3GPP,)
et)
EUROPEAN TELECOMMUNICATIONS)
STANDARDS INSTITUTE)
Défendeurs.)

DÉCLARATION DE JEAN-PAUL BARNEL

Je, JEAN-PAUL BARNEL, Huissier de Justice à la résidence du CANNET, (Alpes Maritimes), 8 rue La Noircame, déclare que:

- .1 Je suis le Huissier de Justice chargé de signifier la demande dans la présente cause aux défendeurs European Telecommunications Standards Institute et Third Generation Partnership Project, tel qu'il appert des procès verbaux ci-joints comme Pièces 1 et 2.
- .2 La signification était prévue à la même adresse pour les défendeurs ETSI et 3GPP, soit 650 Route des Lucioles, 06921 Sophia-Antipolis Cedex, France, tel qu'il appert des Pièces 1 et 2.
- .3 Lors de la signification, la personne rencontrée à l'adresse 650 Route des Lucioles a

Sophia Antipolis par le Clerc Significateur de l'Etude, était Monsieur Erick Jansen auquel a été remis l'acte pour European Telecommunications Standards Institute en sa qualité de Directeur Juridique, mais qui a refusé celui concernant Third Generation Partnership Project au motif que la requise n'était pas une personne morale, mais seulement une association informelle entre plusieurs entités, dont la société, European Telecommunications Standards Institute, ETSI, où il a été rencontré.

.4 Il y a une erreur de retranscription sur l'attestation accompagnant le procès-verbal de la signification de 3GPP (Pièce 1) et la référence à "STEPPI" devrait être "ETSI".

Je déclare sous peine de perjury conformément aux lois des Etats-Unis que ma déclaration est exacte et correcte et que j'affirme la vérité de ma déclaration.

là j'ai signé vendredi le 28 octobre, 2011 à 30 Carnet

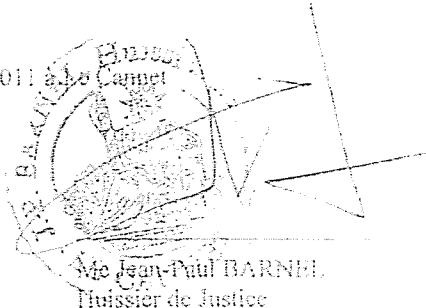


EXHIBIT 2

APPLICANT IS AUTHORIZED TO SERVE JUDICIAL PROCESS UNDER THE UNITED STATES FEDERAL RULES OF CIVIL PROCEDURE AND UNDER THE RULES OF CIVIL PROCEDURE OF THE STATE OF: Pennsylvania

REQUEST

FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

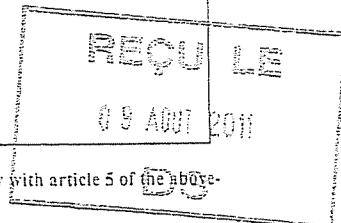
DEMANDE

AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ÉTRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the Service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative à la signification et à la notification à l'étranger des actes judiciaires ou extrajudiciaires en matière civile ou commerciale, signée à La Haye, le 15 Novembre 1965.

<p>Identity and address of the applicant <i>Identité et adresse du requérant</i></p> <p>Kristin J Thompsons APS INTERNATIONAL, LTD APS International Plaza 7800 Glenroy Road Minneapolis, Minnesota 55439-3122 U.S.A. Tel. 952.831.7776 Fax: 952.831.8150 Email: KThompson@CivilActionGroup.com</p>	<p>Address of receiving authority <i>Adresse de l'autorité destinataire</i></p> <p>MINISTERE DE LA JUSTICE (Bureau de l'Entraide judiciaire intl) 13, place Vendôme Paris Cedex 01 75042 France</p>
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The undersigned applicant has the honour to transmit – in duplicate – the documents listed below and, in conformity with article 5 of the abovementioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,

(identity and address)

Le requérant sousigne à l'honneur de faire parvenir – en double exemplaire – à l'autorité destinataire les documents ci-dessous énumérés, en la priant conformément à l'article 5 de la Convention précitée, d'en faire remettre sans retard un exemplaire au destinataire, savoir:

(identité et adresse) Third Generation Partnership Project also known as 3GPP

650 Route des Lucioles, 06921 Sophia-Antipolis Cedex, France

Tel:

- (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention.^a
a) selon les formes légales (article 5, alinéa premier, lettre a).
- (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5):
b) selon la forme particulière suivante (article 5, alinéa premier, lettre b): En remettant les documents à un huissier, qui se chargera de les signifier à un cadre administratif, un agent gérant ou tout autre agent autorisé à accepter des documents légaux pour le compte du Défendeur. Le Défendeur ne doit pas avoir l'option de refuser la signification. Un chèque d'un montant de 50,00 euro pour couvrir les honoraires de l'huissier est inclus.
- (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5).
c) le cas échéant, par remise simple (article 5, alinéa 2).

The authority is requested to return or to have returned to the applicant a copy of the documents – and of the annexes^b – with a certificate as provided on the reverse side.

Cette autorité est priée de renvoyer ou de faire renvoyer au requérant un exemplaire de l'acte – et des annexes – avec l'attestation figurant au verso.

List of documents
Enumération des pièces

Summary of the Document to be Served

Summons in a Civil Action

Notice of Right to Consent to Exercise of Jurisdiction
by a United States Magistrate Judge

Complaint for Violations of the U.S. Antitrust Laws

Translations

APS INTERNATIONAL
APS International Plaza
7800 Glenroy Road
Done at Minneapolis, MN 55439 the 8/4/11
Fait à Minneapolis, Minnesota, U.S.A.

Signature and/or stamp.
Signature et/ou cachet.

(Formerly OBD-116 which was formerly LAA-116,
both of which may still be used)

USM-94

(Est. 11/22/77)

^a Delete if inappropriate.

^b Retenir les mentions inutiles.

CERTIFICATE

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,

1. that the request has been executed^{*}

- the (date) _____
- at (place, street, number) _____
- in one of the following methods authorized by article 5:
 - a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention^{*}.
 - b) in accordance with the following particular method^{*}: _____
 - c) by delivery to the addressee, who accepted it voluntarily.^{*}

The documents referred to in the request have been delivered to:

- (Identity and description of person) _____
- relationship to the addressee (family, business or other) : _____

2. that the document has not been served, by reason of the following facts^{*}:

The writ was refused on the grounds that the party being served is not a corporation, but only an informal association among several entities, including STEPI.

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in the attached statement^{*}.

Annexes

Documents returned:

2
In appropriate cases, documents establishing the service:

Done at Le Cannet the 09/12/2011

Signature and/or stamp.

[Signature and Huissier's stamp]

^{*} Delete if inappropriate.

Jean-Paul BARNEL

HUISSIER

8 rue du Lt Noircarme
06110 LE CANNET
Tel.: 04.93.69.22.52
Fax: 04.93.45.37.14
CCP MARSEILLE 691994G
- O --

SERVICE OF A WRIT FROM THE UNITED STATES
IN ACCORDANCE WITH THE HAGUE CONVENTION
OF NOVEMBER 15, 1965

IN THE YEAR TWO THOUSAND AND ELEVEN

and on

I, Jean-Paul BARNEL, Huissier residing in LE CANNET (Alpes Maritimes), 8 rue Lt Noircarme,

ON:

References to be used:

File: 100019393
Writ: 779802

THIRD GENERATION PARTNERSHIP PROJECT aka 3GPP, with its main office located in 06921 SOPHIA-ANTIPOLIS (), 650 route des Lucioles, through its Director

Where I was and spoke as stated below,

AT THE REQUEST OF:

SECOND
ORIGINAL

- LM ERICSSON TELEPHONE COMPANY (TELEFONAKTIEBOLAGET LM ERICSSON); SE-16483 - STOCKHOLM - SWEDEN

- QUALCOM INC., 5775 Morhouse Drive, SAN DIEGO, CA 92121 USA

- SA ALCATEL-LUCENT - 3 avenue Octave Gréard, 75007 PARIS

I AM SERVING UPON YOU AND DELIVERING TO YOU A COPY

of a writ from the United States.

This writ is drawn up in the following language: English and is accompanied by a translation into French

This service is made upon you pursuant to the provisions of The Hague Convention dated November 15, 1965 on the service or notification abroad of judicial and extra-judicial documents in civil or commercial matters.

COST

50.00 Euros (exempt from V.A.T.)

ATTESTATION

L'autorité soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention,

1. que la demande a été exécutée*
- le (date)

- à (localité, rue, numéro)

- dans une des formes suivantes prévues à l'article 5:

a) selon les formes légales (article 5, alinéa premier, lettre a)*.

b) selon la forme particulière suivante*:

c) par remise simple*.

Les documents mentionnés dans la demande ont été remis à:

- (identité et qualité de la personne)

- liens de parenté, de subordination ou autres, avec le destinataire de l'acte:

2. que la demande n'a pas été exécutée, en raison des faits suivants*: *l'acte a été refusé au motif que la requérante n'a pas une personne morale, mais seulement une association informelle entre plusieurs entities, dont STSP*.
Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint*.

Annexes

Pièces renvoyées:

Le cas échéant, les documents justificatifs de l'exécution:

Fait à *Lyon* le *16/11/11*

Signature et/ou cachet.

* Rayer les mentions inutiles.

Jean-Paul BARNEL

HUISSIER DE JUSTICE

8 rue du Lt Noircarme
06110 LE CANNET
Tél: 04.93.69.22.52
Fax: 04.93.45.37.14
CCP MARSEILLE 691994G
--O--

SIGNIFICATION D'UN ACTE EN PROVENANCE DES ETATS UNIS EN"
APPLICATION DE LA CONVENTION DE LA HAYE DU 15 NOVEMBRE 1965

L'AN DEUX MILLE ONZE

Et le

Références à rappeler :

Dossier : 100019393
Acte : 779802

Je, Jean-Paul BARNEL, Huissier de Justice à la résidence du CANNET,
(Alpes Maritimes), 8 rue Lt Noircarme,

A :

Société THIRD GENERATION PARTNERSHIP PROJECT a/k a 3GPP
dont le siège social est à 06921 SOPHIA-ANTIPOLIS (),
650 route des Lucioles ,
prise en la personne de son directeur,

où étant et parlant comme il est dit ci-après,

A LA DEMANDE :

-LM ERICSSON TELEPHONE COMPANY (TELEFONAKTIEBOLAGET LM ERICSSON) ;
SE-16463-STOCKHOLM -SUEDE
-QUALCOM INC.5775 Morehouse Drive-SAN DIEGO,CA92121 USA
-SA ALCATEL-LUCENT-3 avenue Octave Gréard-75007 PARIS

JE VOUS SIGNIFIE ET VOUS LAISSE COPIE"

d'un acte en provenance des Etats Unis.

L'acte est établi dans la langue suivante : anglaise
et est accompagné d'une traduction en français

SECOND
ORIGINAL

La présente signification vous est faite conformément aux disposition
de la Convention de la Haye du 15 novembre 1965 relative à la
signification et à la notification à l'étranger des actes judiciaires
et extrajudiciaires en matière civile et commerciale.

COUT

50.00 euros (dispensé de TVA)